

REMARKS

To narrow issues in this case, claims 2, 4, 5, 6, 11, 14 and 15 have been cancelled, and the remaining claims 1, 3, 10 12, 13 and 16 have been carefully amended to more fully focus on the patentable novelty thereof.

The subject matter of cancelled claim 2 has been incorporated into amended claim 1.

Claim 7 is in its original form. Claim 8 is now dependent on claim 7. Claim 9 was previously amended. Claim 12 is now dependent on claim 10.

Figures 14-16 and column 6, lines 36-47 of Jolly et al, 5,827,309 are illustrated in "Exhibit 1" attached hereto and made a part thereof.

Jolly et al, '309 discloses a cantilevered spring arm 46 activated by a bottom button 46a protruding below the housing of the scalpel. By pressing the bottom button 46a upwardly, see Fig. 14, a wedge 47 is lodged between the blade cleat 49 and the rearward blade tang 57, thereby lifting the rearward blade tang 57 laterally away from the blade carrier 40. Thereafter, the guard 30 may be advanced forwardly to strip the blade 50 off the blade carrier 40.

The function of the shoulder 91' is to hold the bottom of the spring arm 46 in its biased position, maintaining the wedge 47 between the blade cleat 49 and the blade tang 57 (Fig. 14). Once the guard 30 is advanced, the shoulder 91', is extended beyond spring arm 46, thereby allowing the spring arm 46 to be returned to its unbiased position. The purpose of shoulder 91' is to *facilitate* the removal of the blade, not to prevent accidental or inadvertent ejection of the blade; shoulder 91' is not a positive lock-off.

Of significance, in Jolly et al '309 the top button 35 (see Figs. 1 and 2 of '309) has nothing to do whatsoever with the blade stripping structure (discussed above). Top button 35 is

secured to spring arm 34 which, in turn, carries detent pin 36. Detent pin 36 is adapted to be received in one of two detent pockets 26 and 26' to advance or retract the guard 30 in order to cover or expose the blade 50, respectively. This is a conventional two-position detent mechanism for the guard 30.

That is not a positive lock-off safety mechanism for the blade-stripping operation and, much less, a lock-off which is part of the top button. The only purpose of the detent pin 36 is to define the position of the guard 30. Again, it is conventional.

As contra-distinguished from Jolly et al '309, the present invention (see Exhibit 2) has a blade stripper 32 (green) carried by the blade carrier 11 and slidable relative thereto. This blade stripper 32 has a hook 35 receiving a locking stud 34 (orange) to positively lock the blade stripper 32. This locking stud 34 is carried by the top detent button 21 (blue). By depressing the top detent button 21 downwardly, this locking stud 34 clears the hook 35 and allows the blade stripper 32 to slide forwardly to lift off the rearward blade tang and position the guard 13 to move forwardly to eject the blade 23.

The top detent button 21 (see Fig. 6 on Exhibit B) carries the locking stud 34 on one side thereof and (on the other side thereof) carries the detent pin 22.

This detent pin 22 is adapted to be received in one of the two detent pockets 16 and 17, respectively, formed in the guard (handle) 13. This two-position detent means determines the extent of travel of the guard 13 relative to the blade carrier 11, and has nothing whatsoever to do with the locking stud 34 carried on the other side of the detent button 20.

In order to remove the lock off, it is necessary to retract the guard 13 to expose the blade 23 and, thereafter, depress the top button 20 so that the stud 34 on the top detent button 20 clears

the hook 33 on the slidable blade stripper 32. Then, the side button on the blade stripper 32 may be moved forwardly so that the wedge 38 on the blade stripper 32 lifts the rearward portion of the blade 23 laterally away from the cleat 31 on the blade carrier 11; and by moving the guard 13 forwardly engages the lifted-away portion 39 of the blade 23 and ejects the blade 23 off the scalpel 10.

Accordingly, it is a two-hand operation: Depress the top detent button 20 to clear the locking stud 34 on the button 20 from the hook 33 on the blade stripper 32 and . . . while maintaining the top button 20 depressed (the unlocked position) --- engage the side button on the blade stripper 32 to lift the rearward tang 39 on the blade 32 and, thereafter, the guard 13 may be moved forwardly to push the blade 23 off the cleat 31 on the blade carrier 11. The two-handed operation is a further safety feature.

To “arm” the blade stripper 46 of Jolly et al ‘309, the user depresses a bottom button 46a integral with a cantilevered spring arm 46 to inject the wedge 47.

The same is true of Jolly et al ‘289, which has a “bump” 46a on the lower part of a cantilevered spring 46.

Neither reference has a positive lock-off for its blade stripper, much less one actuated by a depressible top button which is part of the two-position detent mechanism for determining the position of the guard relative to the blade.

With this in mind, claim 1 has been amended herein to specifically state:

“the guard having two detented positions on the scalpel defined by a detent pin carried by a depressible top button on a cantilevered spring arm, the detent pin being received alternately in one of two detent pockets formed on the scalpel.”

“, the manually-releasable lock comprising a locking stud carried by the depressible top button oppositely from the detent pin, and a hook on the blade stripper for receiving the locking stud, the locking stud being independent of the detent pin and the two detent pockets formed on the scalpel.”

Accordingly, and for the reason aforesaid, it is respectfully submitted that claim 1 (as amended herein) is patentably distinguished from the cited prior art and, therefore, an allowance thereof is respectfully urged.

Claims 3, 4, 7 and 8 are each dependent, directly or indirectly, on claim 1 and, therefore, an allowance thereof is respectfully urged.

Similar amendment (like those in claim 1) has been made to claim 10. More specifically, claim 10 now recites:

“... the blade stripper lock comprises a button on the guard of the scalpel, the button carrying a locking stud disposed transversely to the sliding movement of the guard, and

“a hook on the blade stripper to receive the locking stud.”

Accordingly, an allowance of amended claim 10 is respectfully solicited.

Claim 12 is now dependent on amended claim 10, and claim 13 is further dependent on claim 12. An allowance of dependent claims 12 and 13 is in order.

Similar amendments (as in claims 1 and 10) have been made in claim 16, which now specifically recites (inter alia) ...

“wherein the blade stripper has a hook receiving the locking stud on the depressed top button.”

Serial No. 10/670,428
Docket No. 03272-PA
Inventors: Abidin et al

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

3-26-08
Date

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<p>CERTIFICATE OF TRANSMITTAL</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p>Date: March 26, 2008 Express Mail No. EB769930469US</p> <p>By: <u>Carolyn H. Bates</u> Carolyn H. Bates</p>
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Hook (on slideable)

Fig. 5

Applicant

SN 10/670,428

BLADE STRIPPER

Fig. 6

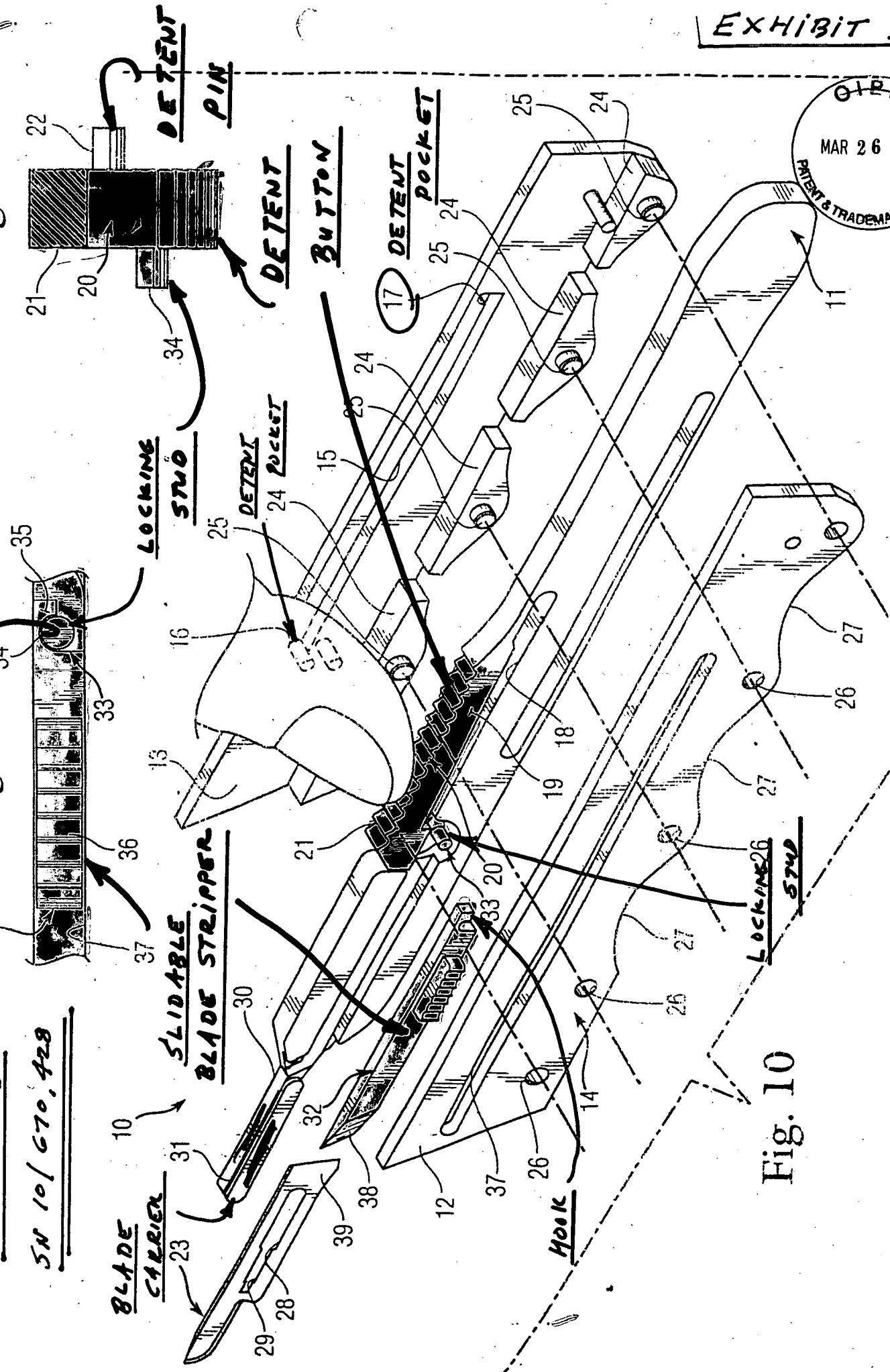


EXHIBIT 1

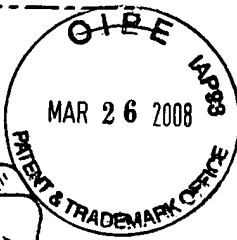


FIG-14

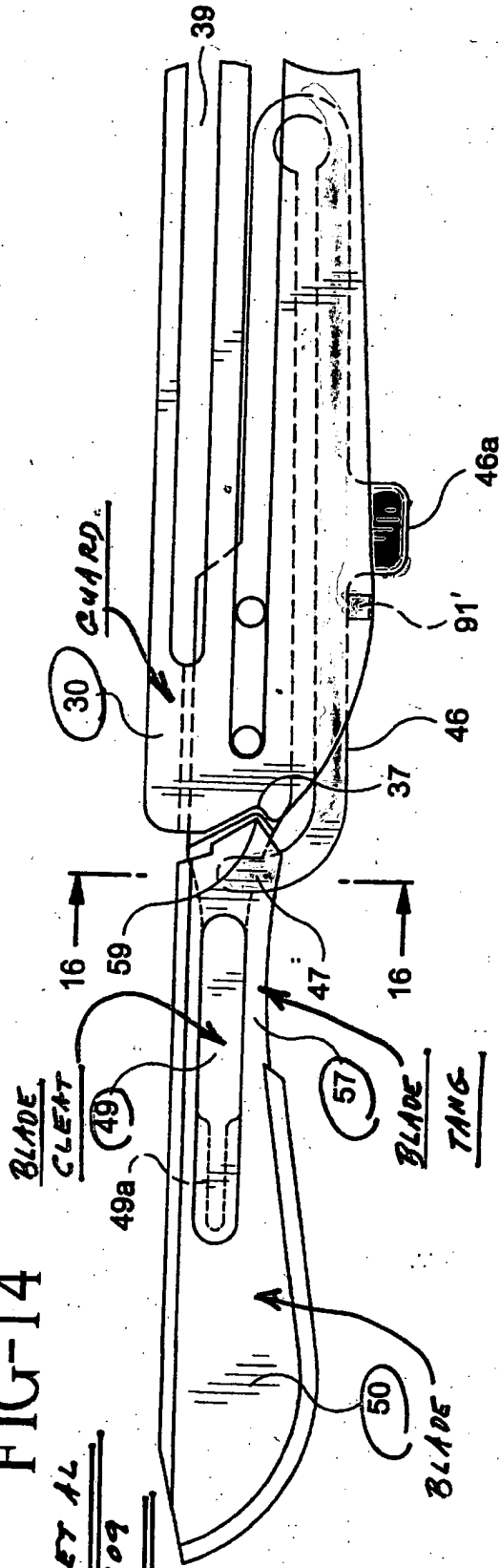


FIG-15

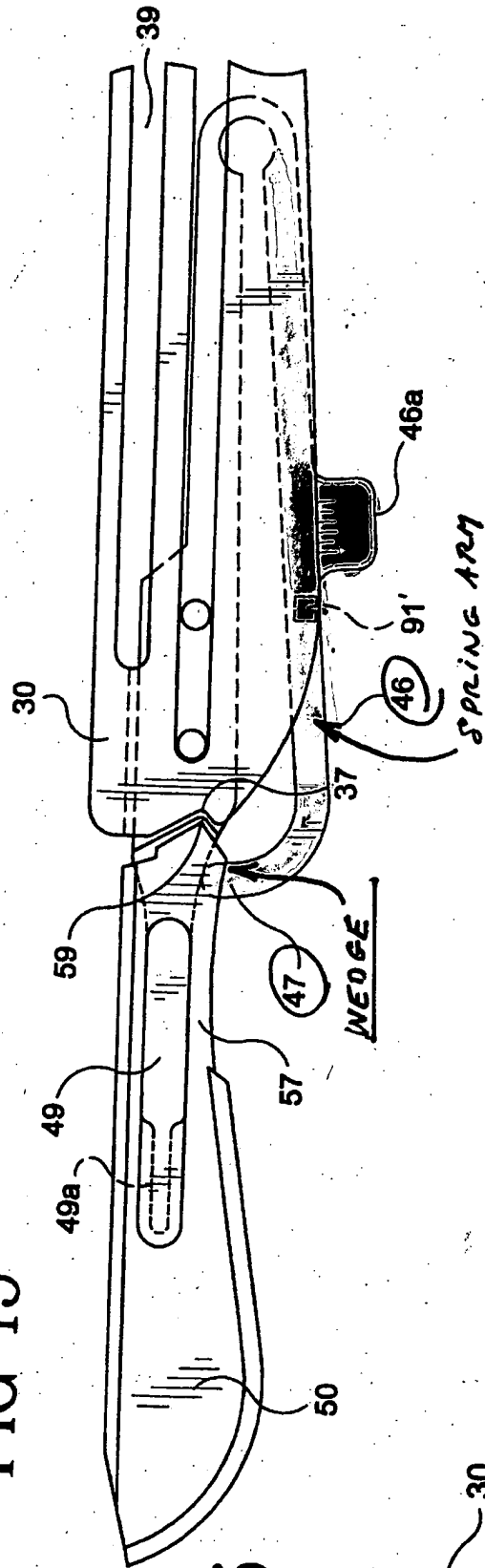
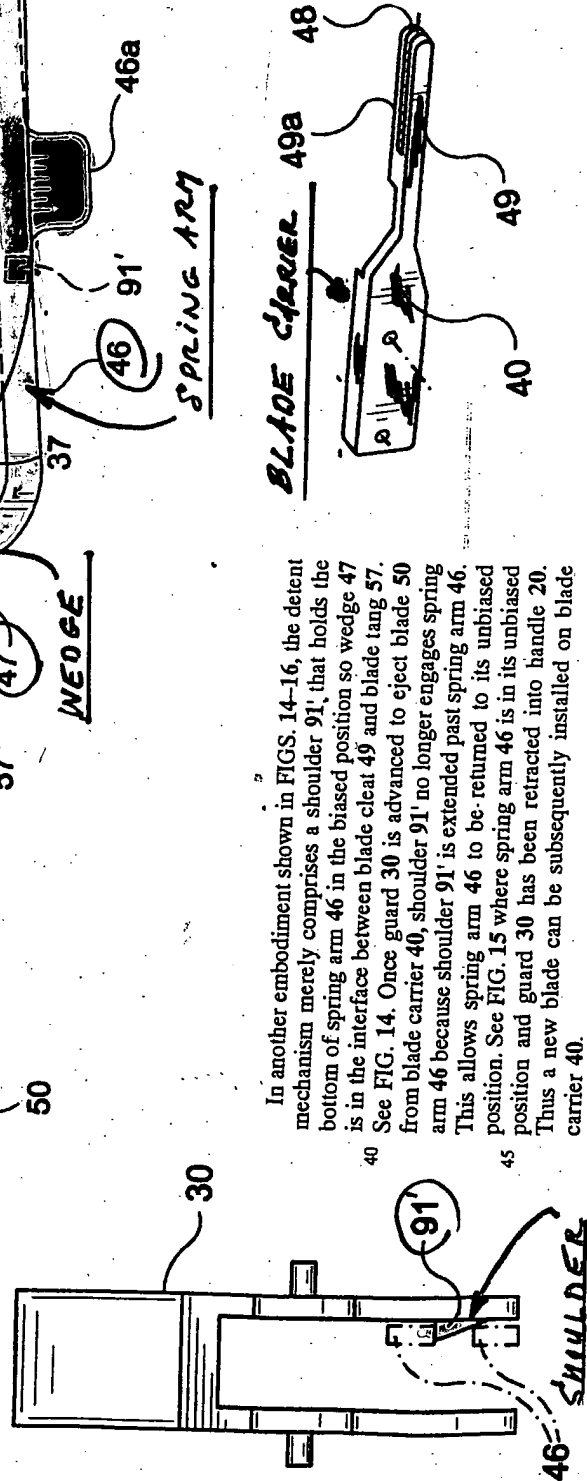


FIG-16



In another embodiment shown in FIGS. 14-16, the detent mechanism merely comprises a shoulder 91' that holds the bottom of spring arm 46 in the biased position so wedge 47 is in the interface between blade cleat 49 and blade tang 57. See FIG. 14. Once guard 30 is advanced to eject blade 50 from blade carrier 40, shoulder 91' no longer engages spring arm 46 because shoulder 91' is extended past spring arm 46. This allows spring arm 46 to be returned to its unbiased position. See FIG. 15 where spring arm 46 is in its unbiased position and guard 30 has been retracted into handle 20. Thus a new blade can be subsequently installed on blade carrier 40.